

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JUANA HERNANDEZ, AS)
ADMINISTRATRIX OF THE)
ESTATE OF DANNY NICACIO)
and ARMANDO MAISONET,)
)
Plaintiffs,)
)
v.)
)
SCOTTSDALE INSURANCE)
COMPANY and UTICA)
MUTUAL INSURANCE)
COMPANY,)
)

Defendants.)

CIVIL ACTION NO. 05-40141-FDS

LOCAL RULE 7.1 (A) (2) CERTIFICATION

I, Caryn L. Daum, counsel for the Defendant, Scottsdale Insurance Company, hereby certify I, on behalf of Scottsdale Insurance Company and the co-defendants, Utica Mutual Insurance Company, conferred with counsel for the plaintiff, Hector Piniero, on November 17, 2005 in a good faith effort to resolve and narrow the matters at issue concerning the *Defendants' Joint Motion to Strike the Extraneous Materials Filed With Plaintiffs' Opposition*. Attorney Piniero indicated that his clients would not assent to the Motion.

Respectfully submitted,

Scottsdale Insurance Company,
By Its Attorneys,

/s/ Caryn L. Daum
John W. Steinmetz (BBO #568108)
Caryn L. Daum (BBO #647001)
Robinson & Cole LLP
One Boston Place
Boston, MA 02108
(617) 557-5900

Dated: November 18, 2005

CERTIFICATE OF SERVICE

I, Caryn L. Daum, hereby certify that a true and accurate copy of the foregoing document was served by first-class mail, postage prepaid, on this 18th day of November, 2005, upon:

Héctor E. Piñeiro, Esq.
Law Office of Héctor E. Piñeiro
807 Main Street
Worcester, MA 01610

/s/ Caryn L. Daum
Caryn L. Daum